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10/596,869	06/28/2006	Gerardus Henricus Broeksteeg	NL040047	1721

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EXAMINER
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ZAHR, ASHRAF A

ART UNIT	PAPER NUMBER
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2109

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09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/596,869	BROEKSTEEG, GERARDUS HENRICUS
	<b>Examiner</b>	<b>Art Unit</b>
	Ashraf Zahr	2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on June 28, 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 1-13 are pending in this application. Claims 1,6-7 are independent claims.

### ***Specification***

2. The abstract of the disclosure is objected to because the abstract is not in the proper format. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**Regarding Claims 1-5**, a method for marking parts of a data sequence is not a tangibly embodied as there is no hardware or platform claimed for performing the method. Furthermore the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101.

**Regarding Claim 6**, a method of selecting a part of an audio or video program is not a tangibly embodied as there is no hardware or platform claimed for performing the method. Furthermore the language of the claims raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Balnaves et al., US 6,954,894 (Hereinafter, Balnaves).

**Regarding Claim 1**, Balnaves discloses a “method of marking one or more parts of a recorded data sequence”. Specifically, Balnaves taking media input mapping it to a temporal structure (Balnaves, Fig 1) and marking it (Balnaves, Fig 6B).

Balnaves also discloses, “displaying a representation of the recorded data sequence”. Specifically, Balnaves shows a display representation in Fig 6A-B

(Balnaves, Fig 6A-B). Furthermore, Balnaves discloses a video display to display the representation of the recorded sequence (Balnaves, Fig 7: node 704).

Balnaves also discloses, "selecting a range of data by positioning a pointer (p, q, r, s) between a range start point (A) and a range end point (B)" (Fig. 6A).

Balnaves also discloses, "dividing the range in a first sub range and a second sub range" (Fig 6A: node 606-607).

Balnaves also discloses, "the first sub range comprising the data from the range start point (A) to the pointer (p, q, r, s)" (Fig 6A: node 606).

Balnaves also discloses, "the second sub range comprising the data from the pointer (p, q, r, s) to the range end point (B)", (Fig 6A: node 607).

Balnaves also discloses, "if the pointer (p, q, r, s) is in a range of unmarked data and a first function is selected, unmarking the first sub range and marking the second sub range". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Balnaves also discloses, "if the pointer (p, q, r, s) is in a range of marked data and a second function is selected, marking the first sub range and unmarking the second sub range". Specifically, Balnaves states the zones of interest maybe

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determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

**Regarding Claim 2,** Balnaves also discloses, "method according to claim 1, further comprising inverting marked and unmarked sub ranges if the first or second function is selected a second time with the pointer at the same position as a first time". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

**Regarding Claim 3,** Balnaves also discloses, "method according to claim 2, further comprising marking both sub ranges when the first or second function is selected a third time with the pointer at the same position as the first and second time". Specifically, Balnaves states the zones of interest maybe determined or calculated

within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

**Regarding Claim 4,** Balnaves also discloses, "method according to claim 1 in which the recorded data sequence is a temporarily stored data sequence, and the method further comprises storing the marked sub ranges of the temporarily stored data sequence". Specifically, Balnaves stores the media input in ram while processing it (Fig 7, nodes 716).

**Regarding Claim 5,** Balnaves also discloses, "method according to claim 4, further comprising storing the marked sub ranges on a permanent or semi-permanent storage medium" (Fig 7, nodes 716: 728).

**Regarding Claim 6,** Balnaves discloses "a method of selecting a part of an audio or video program" (Balnaves, Fig 4).

Balnaves also discloses, "displaying a representation of the program"

Balnaves also discloses "moving a pointer to a first position in the representation"

Balnaves also discloses "executing an expand function for marking the part of the program extending from the first position to the end of the representation"

Balnaves also discloses "moving the pointer to a second position in the marked part of the program"

Balnaves also discloses "executing a truncate function for defining as not marked the part of the program extending from the second position to the end of the representation"

**Regarding Claim 7,** Balnaves discloses, "recording device comprising a data buffer, a recording unit for storing data on a medium". Specifically, Balnaves discloses a recording device (Fig 5) and inherently included in any I/O interface is a data buffer (Balnaves Fig 7).

Balnaves also discloses "a processor connected to the data buffer and the recording unit". Specifically, Balnaves discloses processor connected to an I/O interface, which inherently includes a data buffer (Balnaves, Fig. 7).

Balnaves also discloses "the processor being arranged for displaying a representation of a recorded data sequence stored in the data buffer and for receiving user inputs from function keys". Specifically, Balnaves discloses a processor that can display (Fig 7, node: 704), store data sequences in memory (Fig 7, node: 715), and receive inputs (Fig 7, node: 706 –708).

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Balnaves also discloses "a first function key is arranged for allowing to select a range of data by positioning a pointer (p, q, r, s) between a range start point (A) and a range end point (B)" (Fig 6A: node 605).

Balnaves also discloses, "the processor being further arranged for dividing the range in a first sub range and a second sub range" (Fig 6A: node 606-607).

Balnaves also discloses "the first sub range comprising the data from the range start point (A) to the pointer (p, q, r, s)" (Fig 6A: node 606).

Balnaves also discloses "the second sub range comprising the data from the pointer (p, q, r, s) to the range end point (B)" (Fig 6A: node 607).

Balnaves also discloses, " if the pointer is in a range of unmarked data and a first function input is received from the function keys unmarking the first sub range and marking the second sub range". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29).

Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

Balnaves also discloses "if the pointer is in a range of marked data and a second function input is received from the function keys, marking the first sub range and unmarking the second sub range". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29).

Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). The examiner reads this as meeting the marking and unmarking limitations.

**Regarding Claim 8,** Balnaves also discloses, “recording device according to claim 7, in which the processor is further arranged to invert marked and unmarked sub ranges if the first or second function is received a second time with the pointer at the same position as a first time”. Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45).

**Regarding Claim 9,** Balnaves also discloses, “recording device according to claim 7, in which the processor is further arranged to mark both sub ranges when the first or second function is selected a third time with the pointer at the same position as the first and second time”. Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection

of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45).

**Regarding Claim 10,** Balnaves also discloses, "recording device according to claim 7, in which the first function input is received from a dedicated expand key, and the second function input is received from a dedicated truncate key". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45).

**Regarding Claim 11,** Balnaves also discloses, "recording device according to claim 7, in which the first function input and the second function input are received from a single input key". Specifically, Balnaves states the zones of interest maybe determined or calculated within the template (Balnaves, col 13, ln 25-29). Furthermore, Balnaves states user interaction may also permit direct or indirect alteration or selection of parameters or algorithms or rules to be utilized by the template(s) by means including: selection of numerical values for quantities such as clip duration, number of clips, etc; indirect selection of clip duration (Balnaves, col 13, ln 40-45). A user

interaction could be an input from the keyboard, which could be mapped to applying a specific template to alter the recording.

**Regarding Claim 12,** Balnaves also discloses, "recording device according to claim 7, in which the recorded data sequence is a temporarily stored data sequence, and the processor is further arranged to store the marked sub ranges of the temporarily stored data sequence". Specifically, Balnaves stores the media input in ram while processing it (Fig 7, nodes 716).

**Regarding Claim 13,** Balnaves also discloses, "recording device according to claim 12, in which the processor is further arranged to store the marked sub ranges on a permanent or semi-permanent storage medium using the recording unit" (Fig 7, nodes 716: 728).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Amiot et al., US 5,781,188: Indicating Activeness of Clips and Applying Effects To Clips and Tracks In a Timeline of a Multimedia Work.

Jun, US 6,931,594: Multi-Level Position Designating Method for A Multimedia Stream

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashraf Zahr whose telephone number is (571) 274-1973. The examiner can normally be reached on Mon.-Thurs., 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on (571) 272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ  
8/22/07

  
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SUPERVISORY PATENT EXAMINER